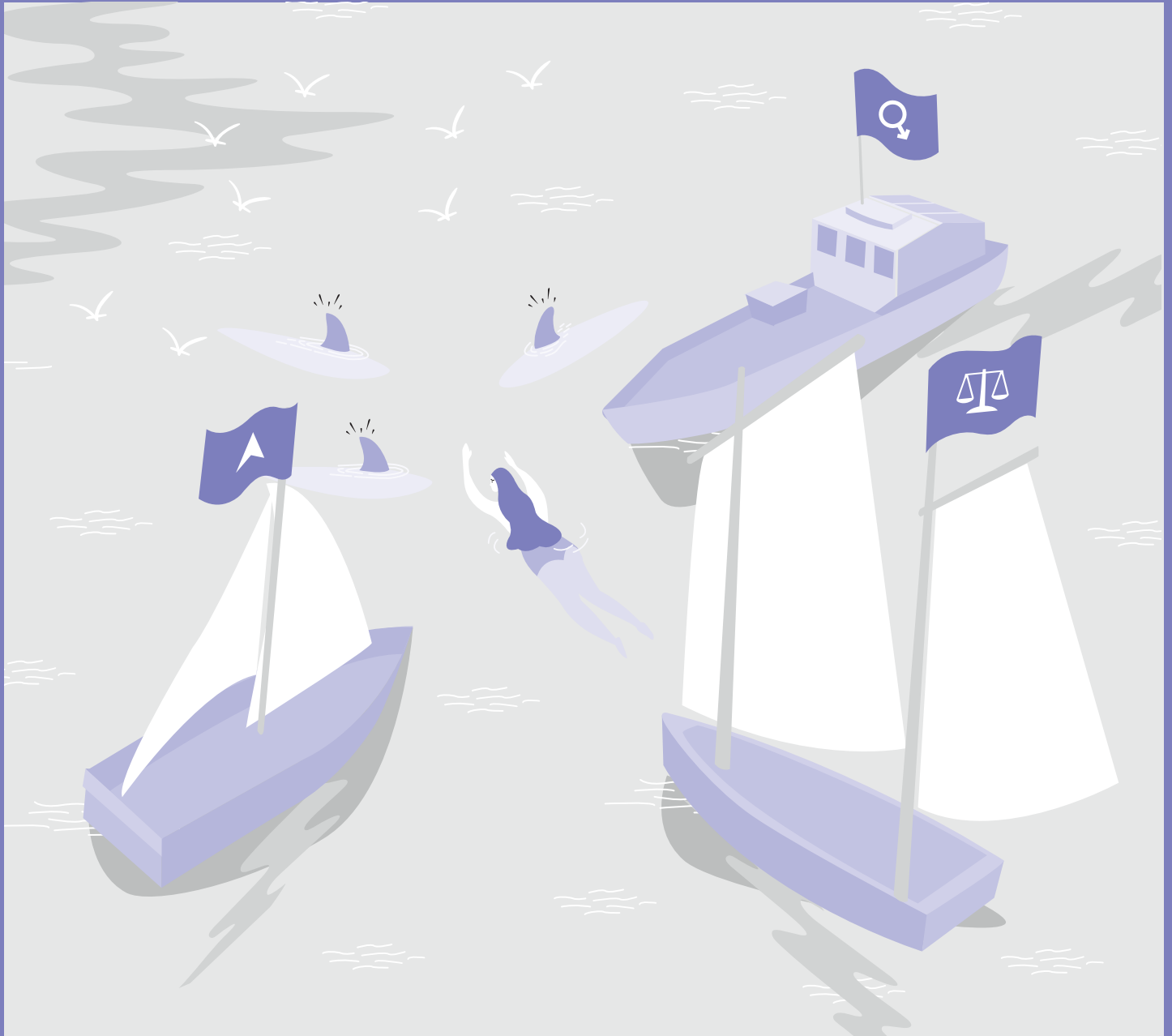


Contemporary Matters Affecting Muslims Today

# BARAZA!

A Sisters in Islam Bulletin



NO.8 / MAY 2019

## Women in New Malaysia: the Struggles and Hope

sisters in islam

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BARAZA! is a resource primarily for activists; policy makers; academics and students of law, Islamic and gender studies; and SIS funders and supporters.

It provides:

- \* a focus on contemporary matters affecting Muslims today, especially women's rights in Islam
- \* resources for reference

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## EDITOR'S INTRODUCTION

**The results of Malaysia's 2018 General Election were historic but they also exposed the gargantuan, messy work required to consolidate the nation's nascent democratic transition.**

The shock defeat of the ruling coalition, Barisan Nasional (BN), might have been greeted with jubilation by many Malaysians, but it also increased the anxieties and resentments of a sizeable proportion of the population. Were the scaremongers right? Would the Pakatan Harapan (PH) government – positioning itself as cleaner, more progressive, and more respectful of diversity than BN – dismantle the edifice of rights, privileges and sanctions built around Islam and Malay ethnicity?

This issue of Baraza analyses how among the challenges the new government will face, are those that revolve around gender and sexuality, as so often occurs in transitional contexts. The response of the Deputy Prime Minister and Minister of Women, Family and Community Development, Wan Azizah Wan Ismail, to a child marriage controversy in 2018 revealed the stakes particularly well. She seemed inadequately prepared to manage the public outcry from many liberal-minded Malaysians as well as more traditional Muslims who, for differing reasons, opposed the marriage of an 11-year-old girl to a 41-year-old man in Kelantan.

Instead of condemning the practice outright, she viewed the marriage as a means of helping the girl and her family out of poverty. How did this reasoning about socio-economic inequality, as valid as it might be, address the other strident calls to defend child marriage on religious grounds – in other words, that it is a practice enshrined in Islamic legislation and purportedly modelled on the conduct of the Prophet Muhammad, peace be upon him?

It is not easy to separate tangible concerns about economic wellbeing from more politicised rhetoric about the position of Islam and Malay rights in the country's legal framework. Still, it is worth noting the potency of narratives driven by economic concerns – witness PH's harnessing of public anger about the 1MDB scandal, giving it the advantage over BN's tired nationalist harpings. The fervour to defend Malay privileges and the sanctity of Islam – or a particularly exclusivist, patriarchal interpretation of it – remains as strong as ever, if not stronger, amongst supporters of UMNO and PAS, and even within some PH factions. Wan Azizah's response to the child marriage controversy thus manifested the ways in which Muslim women and girls continue to get caught in this tangle of patriarchal economics and political ideology.

This issue of Baraza maps what is already being done to untie these many knots; which knots are particularly difficult to undo; and which ones the PH government appears to be actively avoiding or exacerbating. We trace obstacles within and beyond national boundaries that predate the election. At the global level, there is the issue of Malaysia's reservations to Article 16 of the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This, unsurprisingly, has knock-on effects on the impact of our Islamic Family Law (IFL) framework, including on early and child marriage, polygamy, divorce, inheritance, child custody, and guardianship.

At the national level, PH pledged in its election manifesto to increase the representation of women in political leadership to at least 30 per cent, but has not done so since coming to power. Even its Cabinet appointments have fallen far short, at 18.5 per cent. There is better news elsewhere, though – the new government has improved social security measures for housewives by enabling more of them to open their own Employee Provident Fund (EPF) accounts. Also, despite her initial dithering about child marriage, Wan Azizah has pledged to raise the minimum age of marriage – something the BN government repeatedly

refused to do. Her position on female genital mutilation (FGM) leaves more to be desired, however – according to her, the kind of female circumcision prevalent in Malaysia is relatively more benign than the FGM widespread in Africa.

On a broader level, this issue of Baraza offers a crucial intervention in debates about the supposed clash of 'Islamic' and 'liberal' values, especially on the ideological manipulation of rhetoric on gender and sexuality. In these debates, what is authentically Islamic is often portrayed as automatically anti-liberal and anti-human rights, whilst liberalism and human rights are assumed to be inherent properties of Western civilisation. This is why the struggle to secure the fundamental rights of Muslim women and girls so often has the aura of civilizational warfare. For example, it is what leads Far Right, xenophobic and Islamophobic politicians in Western Europe to declare support for feminism and lesbian, gay, bisexual and transgender (LGBT) rights – anything to set themselves apart from Islam and Muslims. It is also the kind of logic that allows nationalist and Islamist groups such as Ikatan Muslimin Malaysian (ISMA) to defend practices like FGM as bastions of Islamic belief against the infidel West.

This is precisely the environment which has bred continuing hostility towards feminist groups in Malaysia. Sisters in Islam (SIS), as a visibly women's rights organisation, has especially had to endure accusations of being proxies of the West and hence traitors to Islam and the nation. Yet this issue of Baraza shows that women's groups – especially those with grassroots support – are powerful because they expose the multiple harms that are perpetrated upon Malaysians in the name of this tired polemic about the clash of civilisations. The work of women's rights advocates in Malaysia is evidence that we do not live in a homogenous country, and never have. Also, the struggle for equal justice, rights and dignity is not incompatible with the aspirations and beliefs of many pious and practicing Muslims.

It is thus worth quoting this issue's summary of one of the key arguments made by SIS and Musawah (the global movement for justice in Muslim families) in their alternative report to the CEDAW Committee.

There are tools for reform within the Muslim family law framework. Firstly, the majority of what Malaysia deems as Shari'ah is actually fiqh or jurisprudence, which is human made. Accordingly, there is a tradition of reforming such laws in the face of changing times and circumstances. The Muslim legal tradition respects a diversity of opinion, and principles such as *maslahah* (public interest) and *istihsan* (choosing the best opinion among many) should be applied to meet contemporary demands for equality and justice.

There is hope yet. Despite the PH government's precarity amid the ethno-religious nationalist resurgence of UMNO and PAS, the country continues experiencing seismic change. We now have individuals in government who cut their teeth in numerous social justice struggles, including human rights and gender equality. We hope that this issue of Baraza provides a helpful guide to the concrete alliances and campaigns that we can support in the exciting times ahead.

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**Deputy Editor, Critical Muslim**  
**London, 2 Feb 2019**

# Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

**F**ollowing continuous lobbying by women's groups, Malaysia finally had its second review under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), on 20 February 2018 in Geneva, 12 years late.

A coalition of 37 Malaysian non-governmental organisations (NGOs), which included the Joint Action Group for Gender Equality (JAG), human rights organisations, and Musawah, had earlier submitted a joint shadow report to the 69th CEDAW session, on the lived realities of women's lives in Malaysia. This also addressed gaps in the government report. Five delegates from this coalition, namely Stella Tan (Women's Aid Organisation), Honey Tan (Empower), Thilaga Sulathireh (Justice for Sisters), and Rozana Isa and Shareena Sheriff (Sisters in Islam), participated in the review.

The coalition was grateful for the opportunity to engage in this long overdue process. The review meant that Malaysian NGOs had an official avenue to express their concerns and disappointments with the scant progress on gender equality. The coalition also reiterated its concerns about the lack of progress on gender equality, in response to the government's submission during its Constructive Dialogue with the CEDAW Committee on 21 February 2018.

Among the areas of concern expressed by the CEDAW Committee were gender-based violence (GBV), female genital mutilation (FGM), gender stereotyping, access to justice, migrant domestic workers, and the national machinery and policies for the advancement of women. It noted that Malaysia continued to justify its reservations to Article 16(1),

which relates to ending discrimination against women when entering marriage, by claiming its incompatibility with the country's Constitution and Islamic family law. Specifically, Malaysia retained its reservations to Article 16(1)(a), the right to enter into marriage; 16(1)(c), equal rights and responsibilities during marriage and its dissolution; 16(1)(f), equal rights to guardianship of children; and 16(1)(g), equal rights of a husband and wife which includes the right to choose a family name and occupation. The Committee also questioned why Malaysia had not integrated the Convention into its domestic legal system, which means that this treaty remains unenforceable in Malaysia's judicial system.

“  
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## MUSLIM FAMILY LAW AND WOMEN'S RIGHTS

Sisters in Islam (SIS) and Musawah also submitted a joint report about Muslim family law and Muslim women's rights in Malaysia. Among the key issues raised here were the discrimination Muslim women experienced under the Islamic Family Law (IFL) framework, early and child marriage, polygamy, divorce, inheritance, child custody and guardianship, all of which relate to Article 16 of the CEDAW Convention. The joint report was backed with statistics taken from Telenisa, the free legal advisory services provided by SIS.

In terms of the bigger picture, the SIS-Musawah report highlighted that while the Malaysian government has taken steps to address gender discrimination especially in areas that fall under Article 16, Muslim women still faced discrimination. As a whole, Muslim women have fewer rights than their non-Muslim counterparts in matters such as marriage, divorce, guardianship and inheritance. This discrepancy is because Muslims are governed under the IFL whereas family matters of non-Muslims fall under civil law.



For example, in 1976, the Malaysian government enacted reforms to the Marriage and Divorce Act, which banned polygamy and gave men and women the same rights to enter into marriage and divorce. Conversely, over the years it has become easier for Muslim men to enter into polygamous marriages. In effect, this means that in Malaysia there are domestic laws that uphold Article 16 of the CEDAW Convention, but these laws do not protect Muslim women who fall outside their jurisdiction.

The SIS-Musawah report also highlighted the upward trend in polygamy in Malaysia, and its harmful effects on women and children. Based on research by SIS in collaboration with local Malaysian universities from 2007-2012, 40 per cent of husbands reduced monetary contributions to the children, wives and household expenditure after committing polygamy while 77 per cent of children of first wives were unhappy with their father's time allocation. The research also uncovered serious long-term effects on the children of polygamous marriages. The experience of polygamy had resulted in "negative emotional/psychological impact" in 87 per cent of children interviewed.

This report called attention to the increase in child marriage in Malaysia as well. Although the former Barisan Nasional government removed its reservations to Article 16(2) of the CEDAW Convention, which states that a betrothal or marriage to a child is not legal, the practice continues here. While the legal age for marriage across Shari'ah courts in Malaysia is 18 years for boys and 16 years for a girl, a loophole that allows Shari'ah

judges to approve marriages of children below these thresholds mean that there is no real minimum age for marriage. In contrast to the SIS-Musawah report, the Malaysian government delegation claimed that Muslim women enjoy "adequate safeguards and protections to avoid discrimination" in the Shari'ah courts. The government delegation also defended the reservation to Article 9(2), which denies women the right to confer their nationality on their children, arguing that this provision contradicted the Federal Constitution. Reservations to Articles 16(1)(a), (c), (f) and (g), which concern equal rights to enter marriage, responsibilities during marriage and its dissolution, rights regarding guardianship and adoption of children and personal rights of husband and wife were maintained on grounds that they conflicted with current Malaysian Shar'iah law and national policies.

SIS and Musawah have pointed out that there are tools for reform within the Muslim family law framework. Firstly, the majority of what Malaysia deems as Shari'ah is actually fiqh or jurisprudence, which is human made. Accordingly, there is a tradition of reforming such laws in the face of changing times and circumstances. The Muslim legal tradition respects a diversity of opinion and principles such as *maslahah* (public interest), and *istihsan* (choosing the best opinion among many) should be applied to meet contemporary demands for equality and justice.

### RECOMMENDATIONS FORWARDED

SIS and Musawah also forwarded recommendations for the CEDAW Committee's consideration of the Malaysian official report. These included reviewing the current IFL based on an enlightened interpretation of Shari'ah, enforcing 18 years old as the minimum age of marriage for boys and girls, and removing all exceptions to the law; introducing stricter penalties on men who illegally enter into polygamy; improving protection for first wives; and equalising men and women's right to divorce and guardianship.

“

*As a whole, Muslim women have fewer rights than their non-Muslim counterparts in matters such as marriage, divorce, guardianship and inheritance.*

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On its part, the CEDAW Committee applauded the withdrawal of the state's previous reservations to Article 5(a) which concerns cultural attitudes based on the inferiority of women to men, Article 7(b) which refers to the right of women to participate in the formulation of government policy and all levels of government, and Article 16(2) which involves the abolition of child marriage. However, the Committee noted that the state continues to claim an incompatibility with the Federal Constitution and Shari'ah law as a reason for not withdrawing its reservations to Article 16. The Committee also highlighted the ongoing reservations about Article 9(2) in regards to a woman's right to transfer citizenship to her children; and, the lack of legislation to prevent child marriages as areas of concern.

### ELIMINATION OF ALL FORMS OF DISCRIMINATION

The Committee restated its past recommendation that Malaysia prove its commitment to eliminating all forms of discrimination against women by taking immediate measures to domesticate the Convention and its provisions thus making this enforceable under the country's legal system. It also called on the Malaysian government to ensure that Shari'ah courts at all levels of government are in compliance with the Convention so that the protection that non-Muslim Malaysian women enjoy can be extended to their Muslim counterparts. Another recommendation was for the government to enact a concrete timeframe to create a Gender Equality Act that would prohibit any form of gender discrimination in the country.



At the same time, the CEDAW team in Malaysia was hard at work organising a live stream potluck to broadcast the CEDAW session to fellow NGO friends, media and international delegates. Among those who attended this live stream CEDAW Session were friends of JAG, reporters from The Star and Malay Mail, and friends from the US and French Embassies.



**From left to right:**  
Stella Tan (Women's Aid Organisation), Honey Tan (EMPOWER), Rozana Isa (Sisters in Islam), Shareena Sheriff (Sisters in Islam) and Thilaga Sulathireh (Justice for Sisters)

### What is the CEDAW Convention and why is it important?

The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is an international treaty on the human rights of women, introduced in 1979. To date, 189 countries have ratified this convention. These countries are obliged to send regular status reports on the implementation of the treaty, to be reviewed by a committee of independent experts. This body, the CEDAW Committee, engages in constructive dialogue with government representatives to improve the protection, promotion and fulfilment of women's human rights.

### What are Malaysia's reservations to the CEDAW Convention and why?

The government of Malaysia maintains its reservations to Article 9(2) which concerns the right of women to pass citizenship on to their children; and Articles 16(1)(a), the right to enter into marriage; 16(1)(c) equal rights and responsibilities during marriage and its dissolution; 16(1)(f) equal rights to guardianship of children; and 16(1)(g), equal rights of a husband and wife, including the right to choose a family name and occupation. It justifies this on grounds that these articles are in conflict with the Federal Constitution and Shari'ah law.

### What does ratifying CEDAW mean?

When the Malaysian government ratified CEDAW, the government undertook the obligation to take all appropriate measures in laws and policies to end discrimination against women and to provide legal protection to women against any actions that discriminate against them. The Malaysian government also undertook to report to the CEDAW Committee of the progress being made towards making equality a reality for women in the country. The CEDAW Committee may also make recommendations to the government and the government must respond to how it is implementing them.

### How useful is CEDAW to Malaysian women?

CEDAW has been used in a landmark Malaysian gender equality case. In 2009, Noorfadilla Ahmad Saikin's offer to work as a relief teacher for the government was terminated after she informed the Hulu Langat district education office that she was three months pregnant. The Federal Court held that terminating a trainee teacher on grounds of her pregnancy was a violation of Malaysia's Constitution and its international commitments under CEDAW. Noorfadilla's case demonstrates that Malaysian women have plenty to gain if Malaysia honours its obligations under this international human rights treaty.

WHAT WE  
NEED TO  
KNOW ABOUT  
CEDAW AND  
MALAYSIA



# Malaysia's 14th General Election






**M**alaysia's 14th General Election (GE14) was contentious. In the run-up to it, public anger was palpable as then Prime Minister, Najib Razak faced international scrutiny for corruption related to the 1MDB sovereign wealth fund while ordinary Malaysians struggled with the rising cost of living.

Pakatan Harapan (PH), formerly the Opposition — and comprising Parti Keadilan Rakyat (PKR), Democratic Action Party (DAP), Parti Amanah Negara (Amanah) and Parti Pribumi Bersatu Malaysia (Bersatu) — made 1MDB a key issue during its campaign in the hope of increasing its chances of winning GE14 by capitalising on public mistrust of the incumbent Barisan Nasional (BN) government.

The main contesting coalitions — BN, PH, and Gagasan Sejahtera — released election manifestos with pledges targeting different sectors of Malaysian society. Each made commitments to empower Malaysian women. Gagasan Sejahtera, a coalition of Islamist parties, Parti Islam SeMalaysia (PAS) and Parti Ikatan Bangsa Malaysia (Ikatan), made the least number of policy proposals to benefit women. Unlike BN and PH, Gagasan Sejahtera did not promise to increase the number of women in decision-making positions. Both BN and PH used the 30 per cent figure as their target, and in the case of BN, this was extended to the private sector as well.

All three coalitions committed to getting more women involved in the economy through various strategies. Their manifestos advocated for childcare centres at work and programmes to enhance women's opportunities to take up entrepreneurial activities. Notably, the PH manifesto was the only one which included the promise of policies to address women's mental and physical health.

## GE14 AND PROMISES TO WOMEN

	WOMEN AND DECISION MAKING	ECONOMIC POLICIES FOR WOMEN	HEALTH POLICIES FOR WOMEN	SAFETY & SEXUAL HARASSMENT POLICIES	FAMILY POLICIES
<b>Barisan Nasional</b>  	Ensure 30 per cent women's representation in decision-making posts in public and private sectors	Form a Women's Economic Council to develop an economic agenda for women; establish a women entrepreneur's centre in every State; offer training programmes to help women upskill; create a Women's Cooperative that offers savings facilities and financial loan		Adopt a Sexual Harassment Act	Establish a Special Court Council on Muslim Marriage, Custody and Maintenance and to resolve these cases speedily
<b>Pakatan Harapan</b>  	Ensure 30 per cent representation of women in political positions	Implement an Employees Provident Fund (EPF) scheme for housewives that includes a RM50 monthly contribution from the PH government; implement equal pay; adopt a Gender Responsive Budget at the national level	Create awareness and conduct training on mental health issues among women; increase awareness campaigns on reproductive health issues; carry out preventive healthcare programmes on breast and cervical cancer	Ensure town and city planning considers the safety of girls and women; mandatory training for PDRM officers and employees of the companies to better handle and eventually eliminate sexual harassment	
<b>Gagasan Sejahtera</b>  		Offer RM 2,000 in capital for career women who want to work from home	Offer a RM600 Healthy Food Voucher to low and middle-income women who are pregnant; offer a RM300 Health Aid Voucher to low and middle-income women aged 50 and above	Create a national fund for women who are victims of sexual assault; victims of domestic violence and divorce; those who do not receive maintenance from their ex-husbands, and those who are single mothers	Establish family community centres that offer counselling services, religious guidance, and parenting classes



## ALONGSIDE THE MANIFESTOS RELEASED BY THE POLITICAL PARTIES, EMPOWER LAUNCHED A WOMEN'S MANIFESTO WHICH FOCUSED ON 10 THEMES

1.  
Sustainable  
people- centred  
development
2.  
Good governance  
and participatory  
democracy
3.  
Sexual and gender  
based violence and  
harrassment
4.  
Human rights  
education
5.  
Employment and  
work conditions
6.  
Health, bodily  
autonomy and  
wellbeing
7.  
Judicial  
independence  
and equality  
in the law
8.  
Immigration and  
migration
9.  
Education
10.  
Culture and religion

These themes, while not always directly related to women's issues were identified as policy areas that can be improved and implemented to increase gender equality. As a whole, the Women's Manifesto emphasised a people-first approach to development and democracy, which set it apart from the top-down approaches found in the manifestos of the political parties. While the Women's Manifesto championed gender equality, it also centred the need for human rights to be upheld throughout Malaysia's legislative and institutional frameworks.

### ELECTION STRATEGIES

Prior to GE14, the Election Commission re-delineated electoral boundaries to favour the incumbent government. The government also announced a midweek polling day that many saw as a strategy to decrease voter turnout. The move drew fierce criticism from netizens who complained they would face difficulties returning to their hometowns to vote. This initiated the grassroots #PulangMengundi and #UndiRabu initiatives, which saw Malaysians helping each other to organise transport to their hometowns.

### OVERSEAS VOTERS

Overseas voters also reported receiving their postal ballots too late, and many feared their ballots would not arrive in time to be counted. Again, Malaysians mobilised, this time to collect postal ballots across different parts of the world and fly them home. It was a perfect example of the Malaysian spirit, as citizens put aside their differences and focused on one aim, the right to vote.

### THE POWER OF WOMEN

Women also came out in full force during the election. In almost all constituencies, they made up the majority of voters. The candidacy of Maria Chin Abdullah, the former chairperson of Bersih 2.0 and a long time feminist activist, for the parliamentary seat of Petaling Jaya also garnered the support of women and activists. Rallying behind the veteran human rights defender, they formed the majority of Polling Agents and Counting Agents (PACAs) in her constituency.

### SURPRISE DEFEAT

In the end, BN suffered a surprise defeat. For the first time since the country's Independence, the 9 May polls marked the end of its 61-year administration. The country reacted with shock and joy at their success in voting out a corrupt government. The PH coalition, which won the majority of seats, ran on a reform platform, and Malaysians were eager to see this process through.

# A Minimum Of Thirty Percent Women In Decision-Making



**A** week after the 14th General Election (GE14), the government formed the Council of Eminent Persons (CEP) comprising influential Malaysians from various sectors. Among its tasks was meeting stakeholders to formulate a plan for institutional reform in the country. Such steps are welcome but the real test will be the success of reforming the institutions that allowed rampant corruption to flourish.

## THE PAKATAN HARAPAN PLEDGE

As celebrations over the change of government subsided, work to form a new Cabinet began. During the election campaign, Pakatan Harapan (PH) pledged that at least 30 per cent of decision-makers at all levels of government would be women. This promise of greater representation of women in Parliament was not new. Back in 1998, the Barisan Nasional government first committed to having 30 per cent of women in its Cabinet. This figure is globally regarded as the minimum proportion for women to form a 'critical mass' and affect government policy.

On 11 May, two days after GE14, a group of women activists and advocates circulated an open letter and petition to remind PH of its election pledge to meet the minimum 30 per cent target. This was followed by a Joint Action Group for Gender Equality (JAG) press statement on 12 May. This statement, which was endorsed by Sisters in Islam, urged the government to ensure that at least one-third of Cabinet and State Executive Committee members were women.

On 21 May, JAG organised a protest at Istana Negara to press for women to form the minimum of 30 per cent in Cabinet. At the protest, SIS Executive Director, Rozana Isa told the media:

“If women’s issues aren’t more actively and aggressively prioritised at the parliamentary level, then we feel women and their rights will be left far behind. What we’re asking for is just the minimum 30 per cent.”

JAG organised a press conference a day after the protest to continue this momentum. At this point, just under 20 per cent of the announced Cabinet appointments were women. JAG pointed out that women’s representation at the State level was also dismal, ranging from 9 to 20 per cent. For example, the State Executive Committees of Penang, Johor, Melaka and Sabah only had one woman representative.

The Selangor Executive Committee initially had only two women — even though it had 12 women State assemblypersons to choose from — before a third was appointed to fill the vacancy arising out of the elevation of then Selangor Menteri Besar, Azmin Ali, into Federal Cabinet.

Despite the sustained campaign from women’s groups, the final Cabinet lineup consisted of only five women Ministers or 18.5 per cent of all Ministers, while the four women deputies made up 17.3 per cent of Deputy Ministers. This development does not bode well for Malaysia as a lack of representation of women in the country’s highest political institutions affects all, and not only, women’s issues.

**THE FAILURE OF PH TO FOLLOW THROUGH WITH ITS MINIMUM 30 PER CENT PLEDGE FOR WOMEN IN DECISION-MAKING IS ESPECIALLY FRUSTRATING GIVEN ITS VICTORY WOULD LIKELY NOT HAVE HAPPENED WITHOUT THE ROLE OF WOMEN IN GE14**

“  
*Despite the sustained campaign from women’s groups, the final Cabinet lineup consisted of only 5 women Ministers or 18.5% of all Ministers, while the 4 women deputies made up 17.3% of Deputy Ministers.*  
”

Additionally, the 30 per cent campaign sought to influence the composition of government committees and councils being formed. The announcement of a Select Committee on Rights and Gender Equality was seen as a positive development by women’s groups, and JAG issued a statement with recommendations that the Committee have at least 50 per cent women members, a funding allocation to hire researchers, and be empowered to ensure policymaking would be improved.

### **MISSED TARGETS**

However, in October, the announced lineup of several government committees and councils either barely met the 30 per cent target or fell short entirely. The National Education Policy Committee and the Independent Committee on Foreign Worker Management were two committees that met the threshold with 38 per cent and 36 per cent women members respectively. Crucially, there were zero women appointed to the CEP Working Group on Islamic Institutions and Education Reform. Considering that Muslim women are disproportionately affected by the current Islamic family

law framework, this lack of women’s representation is alarming. Another committee that had no representation from women was the Electoral Reform Committee, despite the fact that key leaders of the Malaysian movement for electoral reform have been women.

During the 30 per cent campaign, the idea that the ‘most qualified’ people were appointed to decision-making roles was often used to counter calls for nominating more women. However, as JAG pointed out in its statement about the lack of women in government committees, there is a lack of information on the criteria for appointments. What constituted ‘most qualified’? JAG called for greater transparency in the selection process, where this was open, clear and allowed those who met the criteria to apply or be nominated. Going forward, the coalition urged men who considered themselves allies to rescind positions in committees and panels that were all-male or did not adequately represent women.

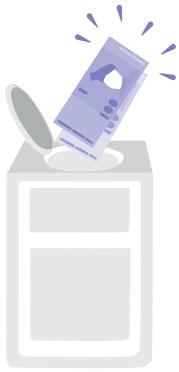
### **LACK OF WOMEN IN DECISION MAKING POSTS**

The overall lack of women in decision-making posts in the PH government contradicts Prime Minister Mahathir Mohamad’s speech at the 73rd United Nations General Assembly where he said, “The new government of Malaysia... is committed to ensure that every Malaysian has an equitable share in the prosperity and wealth of the country”. He went on to maintain that Malaysia was committed to upholding principles promoted by the UN such as “truth, human rights, the rule of law, justice, fairness, responsibility and accountability”.

The failure of PH to follow through with its minimum 30 per cent pledge for women in decision-making is especially frustrating given its victory would likely not have happened without the role of women in GE14. Yet, women’s voices continue to be sidelined in the halls of power. To truly ensure that all Malaysians have an equal share in the country’s future, equal representation along gender lines must be the government’s priority.

# What's New in New Malaysia

## EPF FOR HOUSEWIVES



Since the 14th General Election (GE14), Malaysians have been hopeful that the Pakatan Harapan (PH) government will carry out its promised reform platform. For the first 100 days of the new government, the media tracked its progress in implementing its election pledges. One of these promises to women was getting husbands to channel two per cent of their Employees Provident Fund (EPF) contributions to their housewife-spouses. In August 2018, the Minister of Women,

Family and Community Development, Wan Azizah Wan Ismail, announced that starting 15 August, housewives could set up an EPF account with a minimum monthly contribution of RM5, matched by a maximum government contribution of RM40. The government increased its contribution to RM50 in January 2019. Amendments to the EPF Act (1991) will subsequently be made to allow two per cent of a husband's EPF contribution to be redirected into his wife's account.

## CHILD MARRIAGE



One major misstep by the PH government has been its handling of child marriage. The issue was first raised when a case of a 41-year old man marrying an 11-year-old girl in Kelantan spread on social media. While PH pledged to raise the minimum age of marriage of girls to 18, Wan Azizah had also said that the Federal government was powerless to intervene as the matter fell under the jurisdiction of the Kelantan Shari'ah courts. In contrast, Mujahid Yusof Rawa, the Minister in the Prime Minister's Department in charge of Islamic affairs, believed that the Federal government had the power to intervene and ban child marriage. He argued that protecting children should be a factor for considering a ban on child marriage. At the State level, the Selangor PH government raised the minimum

age of marriage from 16 to 18 for Muslim girls, even though exceptions to this ruling are still permissible. The Penang and Johor State governments have voiced their intentions to raise the minimum age of marriage to 18; while the Melaka government is considering the same. In Sabah, however, the State government is considering lowering the minimum marriage age for girls from 16 to 14. Although the PH government has been criticised for its handling of the issue thus far, Wan Azizah has announced that it is taking steps to raise the minimum age of marriage. This is in contrast to the previous Barisan Nasional government, which voted against this including the proposal to ban child marriage in the 2017 Sexual Offences Against Children Act.

## FEMALE GENITAL MUTILATION



Another controversy for the PH government has been the issue of female genital mutilation (FGM). During the CEDAW review of the previous government's performance, the Committee — including members from Muslim-majority countries like Bangladesh and Egypt — urged Malaysia to ban this practice as it was not compulsory in Islam. A mini documentary by a team of young journalists highlighting the practice among Malaysian Muslims resulted in the issue getting further attention. This revealed the practice to be largely unregulated in the country, and affecting up to 93 per cent of Muslim women. Yet, FGM is largely absent from public discourse. The Women's Minister, Wan Azizah, was criticised not only for her comments that female circumcision as practised here is different to FGM in African countries, but also, that it is part

of Malaysian culture. Her views were similar to that of Rafidah Hanim, a medical doctor associated with Ikatan Muslimin Malaysian (ISMA) and the Women's Alliance for Family Institution and Quality Education (WAFIQ). Rafidah is said to have conducted research on this in Malaysia, and finding no evidence of any harm caused, she has defended the practice in the Malay press. At the very least, such actions are premature especially when there is enough data to understand the nature and scope of this phenomenon or the extent of complications faced by women who have undergone the procedure. Based on research conducted in 2011 by Prof. Dr. Maznah Dahlui from the Faculty of Medicine, Universiti Malaya, Kuala Lumpur, there was mild to significant bleeding (65%) and pain when passing urine (5.4%) after the procedure.

# Promises to Malaysian Youth



**D**uring the GE14 campaign period, PH also made promises to Malaysian youth. Among its pledges were the abolishment of the Universities and University Colleges Act (1971) that restricts public university students from participating in politics, and loans by the National Higher Education Corporation Fund (PTPTN). Since 9 May, however, the new government has backtracked on both promises.

With regards to the PTPTN loans, the PH government has said that it cannot fulfil its pledge to abolish these due to Malaysia's considerable national debt. Initially, Wan Saiful Wan Jan, the PTPTN chairman, said that he would try to reduce the repayment burden

of those earning below RM4,000 a month. However, in December 2018, he announced that scheduled salary deductions would go ahead for those who had outstanding PTPTN loans. Under this scheme, those earning below RM2,000 were exempted from repaying their loans, but those with a monthly salary above RM2,000 would have a 2-15 per cent deduction made. Borrowers saw this scheme as unfair given the lower repayment plans under their current contract with PTPTN. After fierce criticism, the scheme was deferred pending more feedback from stakeholders.

As for the Universities and University Colleges Act, in August 2018, Deputy Education Minister Teo Nie Ching announced that the government would

abolish the act within five years as promised. According to her, the five-year window was necessary because a replacement act was needed. In the meantime, the Dewan Rakyat amended Section 15(2)(c) to allow for on-campus political participation from 10 December. The next day, student activists attempted to hold a press conference in Parliament as they felt the amendments did not guarantee full academic freedom; instead, they gave political parties access to students. So far then, the new government has not granted the promise of true academic freedom.



# Our Hope for the Future

**A**midst the backtracking of certain commitments in their election manifesto, we have seen Pakatan Harapan (PH) take some pivotal steps towards improving some major issues that have plagued the country.

Central is the clampdown on corruption, which has led to multiple arrests, renegotiation of contracts, removal of corporate leaders in government-linked companies and so on. Another notable development has been the proposed establishment of the Independent Police Complaints and Misconduct Commission (IPCMC) which has finally received the approval (and hopefully support) of the new Inspector General of Police. However, these introductions are too few and far between.

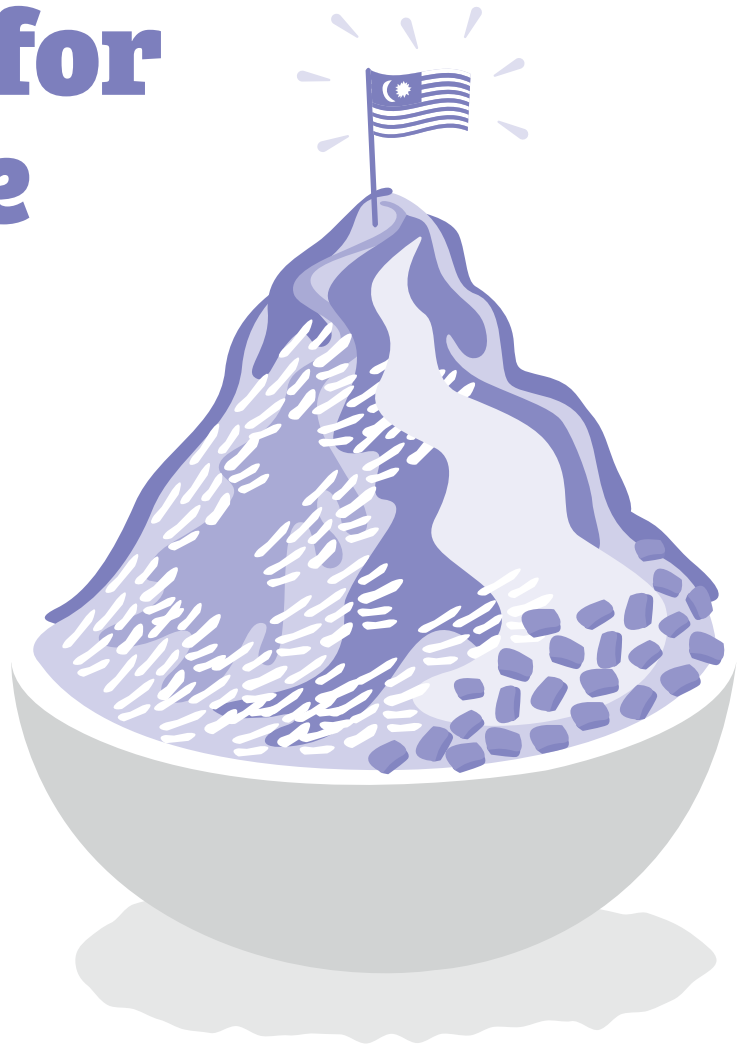
Much still needs to be done. The living standards of the average Malaysian and most critically, the bottom 40 per cent, have not seen a marked improvement, giving rise to a marked loss of popularity of this new coalition government. In tackling human rights concerns, racial and religious polarity which the previous regime allowed to freely spread, continues today, resulting in efforts to elevate national human rights standards being stalled by populist conservative and fundamentalist Malay Muslim rhetoric. We continue to see too, the marginalisation of sexual and gender non-conforming persons, refugees and migrants.

Sisters in Islam has called for the PH government to lead a new narrative on Islam. The reality is, the populace is not homogenous. Even among Malay-Muslims, there is much diversity. Ultimately, if Islam is used as a source of law and public policy, then there must be openness, and acceptance of the diversity of opinions, alongside civilised spaces to freely discuss and debate, plus an official undertaking that everyone has a right to speak about Islam without fear.

Differences in thought and opinion in Islam should not be taken negatively as, 'Islam is being attacked or undermined or under siege'. Differences in thought and opinion in Islam should be recognised as responses to changing social contexts and realities. In forging the way forward, we need to embrace these changes as well as the emergence of new scholarship and alternative opinions in Islam, and encourage communities to engage, discuss and debate constructively. Only through this will the nation be able to

move forward towards understanding and applying Islamic thought in the way that is relevant for its present context.

Our commitment is to work with the new government to focus our efforts to protect, nurture and progress the position and rights of women as well as to improve their standards of living to provide them a quality and dignified life. Malaysia, as a responsible member of the international human rights community, also has obligations to promote gender equality and put in place the policies necessary to ensure non-discrimination. The involvement of women is an important aspect of a progressive, inclusive society which allows them to direct and determine their future in Malaysia.



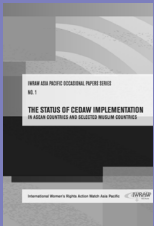
# Recommended Readings



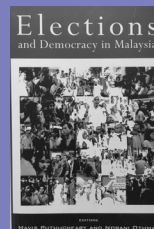
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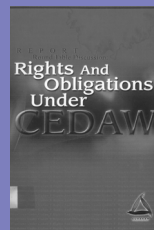
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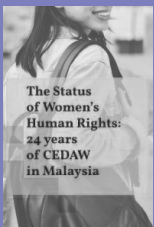
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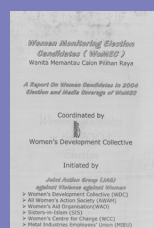
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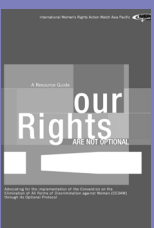
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